

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

:

Case No. 3:04-cr-095

Also 3:11-cv-034

-vs-

District Judge Walter Herbert Rice

Magistrate Judge Michael R. Merz

:

MEGED D. YISRA'EL,

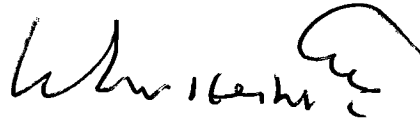
Defendant-Petitioner.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 211), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on June 13, 2011, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the fourth Ground for Relief in Defendant's Motion to Vacate under 28 U.S.C. § 2255 be, and it hereby is, dismissed with prejudice. All grounds for relief having been thus dismissed, the Clerk shall enter judgment in favor of the Plaintiff and against the Defendant on all grounds. Defendant is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would not be taken in objective good faith and thus should not be permitted to proceed *in forma pauperis*.

June 23, 2011.



Walter Herbert Rice
United States District Judge